

CITY OF HAYWARD AGENDA REPORT

AGENDA DATE 03/12/02

AGENDA ITEM 7

WORK SESSION ITEM

TO:

Mayor and City Council

FROM:

Director of Community and Economic Development

SUBJECT:

Draft City of Hayward General Plan and Final Environmental Impact Report

RECOMMENDATION:

It is recommended that the City Council, after consideration of the recommendations of the Planning Commission, and based on the attached findings, adopt the attached resolutions:

- 1. Certifying that the Environmental Impact Report has been prepared in compliance with the California Environmental Quality Act and City implementing guidelines, adopting the Statement of Overriding Considerations, and approving the Mitigation Monitoring and Reporting Program;
- 2. Adopting the Draft City of Hayward General Plan (excluding the Housing Element); and
- 3. Approving and authorizing study of the Mission-Garin Annexation Area.

BACKGROUND:

At its meeting on February 5, 2002, the City Council opened the public hearing on the Draft General Plan and continued the matter to March 12, 2002. The City Council agenda report for February 5, 2002, is attached as Exhibit A. Minutes of the meeting are attached as Exhibit B.

Staff was directed to prepare the necessary implementing documents for adoption of the General Plan and certification of the Environmental Impact Report. The Draft General Plan and Draft Environmental Impact Report (DEIR) were previously distributed to the City Council. If Council wishes to modify any of the recommended policies and strategies in the Draft General Plan, changes should occur at this meeting. The Final Environmental Impact Report (FEIR), which contains comments received on the DEIR and written responses to those comments, was also previously distributed to the City Council. Staff has provided further clarification on projected traffic volumes as presented in the FEIR. The Mitigation Monitoring and Reporting Program is attached as Exhibit C. The Statement of Overriding Considerations is incorporated in the attached draft resolution.

In addition, staff was directed to prepare an overall approach for a comprehensive review and analysis of potential annexations and proposed changes to the General Plan Land Use Map within the Mission-Garin area.

DISCUSSION:

Several councilmembers questioned some of the projected traffic volumes as presented in the Final Environmental Impact Report. After further review of the traffic plots from the transportation model, staff has confirmed that corrections to future traffic volumes need to be made for the following segments: Mission Boulevard south of Five Points (from 16,000 to 30,000); Mission Boulevard south of Carlos Bee (from 16,000 to 24,000); and Hesperian Boulevard between Route 92 and Tennyson Road (from 35,000 to 47,000). The reported future volume on Mission Boulevard at Valle Vista is accurate according to the plots. It should be noted that the future 2025 network included in the General Plan assumes completion of three major transportation facilities: the Route 238 Bypass, the Route 880/SR 92 interchange reconstruction and the I-880/SR 92 reliever route. These projects will likely provide significant relief to Hayward's local streets and on other transportation facilities in the area, and may result in lower traffic volumes than currently experienced on some portions of the network.

Proposed changes to the General Plan Land Use Map have been reviewed previously with the City Council. However, clarification is needed with regard to proposed changes within Area 3 and Area 6 (see maps attached to draft resolutions). With regard to Area 3, the map has been revised to more accurately reflect the proposed school/park site as described in the Blue Rock Country Club development agreement. With regard to Area 6, the map has been revised to be consistent with Council direction that no changes in land use designations be considered at this time, with one exception. The land use designation for the portion of Area 6 that includes the Clearbrook Highlands and Garin Crest subdivisions is still proposed for change from Limited Medium Density Residential to Suburban Density Residential. This change would more accurately reflect the density of existing development.

In view of the recent development activity and continuing interest in the hillside portion of Area 6, most of which is outside the city limits, and the requirements for submittal of annexation applications to the Alameda County Local Agency Formation Commission, the City Council agreed with both staff and the Planning Commission that a comprehensive analysis of this area be undertaken. The City Council directed staff to prepare an overall approach for a comprehensive review and analysis of potential annexations and proposed changes to the General Plan Land Use Map in the Mission-Garin area. A map of the proposed Mission-Garin Annexation Study Area is attached to this report.

The purpose of the Mission-Garin Annexation Study is to provide supporting documentation for the submittal of an application to the Alameda County Local Agency Formation Commission (LAFCO) for annexation of the remaining unincorporated areas between Mission Boulevard and Garin Regional Park. The study will allow for greater coordination of annexation proposals, the efficient provision of utilities and services, consideration of circulation patterns and access issues, and discussion of other issues related to the types of development that are appropriate in hillside areas. A major objective of this study is to determine the appropriate land use and zoning for properties within the unincorporated areas as well as adjacent hillside areas within the city limits. Consequently, the study area boundary includes those properties where changes in land use designations have been proposed as part of the General Plan revision process, as well as adjacent properties that are integral to a comprehensive evaluation of the area. It should be noted that the Clearbrook Highlands and Garin Crest subdivisions, as well as the Oak Hills apartment complex, have been excluded from the study area. Also, all of the Valle Vista Skating Center site, as well as

other properties below Overhill Drive that have frontage on, or are oriented to, Mission Boulevard have been excluded from the study area. Any changes in these areas would be considered in the context of specific applications.

This study would involve completion of the following steps and preparation of supporting documentation as noted:

- 1. Identification and evaluation of environmental resources and constraints, including geotechnical analyses, within the study area;
- 2. Resolution of land use issues (including preparation of amendments to the General Plan Land Use Map as appropriate);
- 3. Determination of overall circulation pattern and resolution of property access issues in the study area;
- 4. Completion of plans for water supply and distribution (to be included in the Plan for Provision of Municipal Services);
- 5. Adoption of rezoning and prezoning of affected properties to achieve consistency with the General Plan Land Use Map.

The process would involve several phases and include a series of meetings to identify study area issues, review background information and technical analyses, and obtain feedback from interested parties. The following is a suggested outline and timeline for completion of the study process:

March- Phase I – Study Initiation April

- Presentation of proposed annexation study process to City Council.
- Community meeting with property owners and other interested parties to review the study process and identify major issues.
- Tour of study area with City Council and Planning Commission.

May-August

<u>Phase II – Issues Analysis</u>

- Preparation of background information and technical analyses on the following topics: environmental resources and constraints; proposed land use designations and rezoning or prezoning for individual properties; overall circulation pattern and local property access issues; and utility service plans for water supply and distribution.
- Community meetings with property owners and other interested parties to review background information and technical analyses.

 Staff completes preparation of Plan for Provision of Municipal Services and circulates environmental documentation for proposed General Plan amendments and rezonings/prezonings.

September Phase III – Public Hearings

- Planning Commission public hearing on General Plan amendments and rezonings and prezonings.
- City Council public hearing on General Plan amendments, rezonings and prezonings, approval of Plan for Provision of Municipal Services, and adoption of resolution on application for annexation.

October-November

<u>Phase IV – LAFCO Review</u>

- Staff submits annexation application package to Local Agency Formation Commission (LAFCO).
- LAFCO public hearing on annexation application.

Individuals, organizations and other interested parties invited to participate in this process include all property owners and residents within the study area, project developers, Hayward Unified School District and Hayward Area Recreation and Park District representatives, along with nearby neighborhood associations. It is uncertain at this time if annexation of the entire study area would require an election. According to state law, the annexation of an area with fewer than 12 registered voters may be processed without an election. The City Clerk has confirmed that there are at least 11 registered voters in the unincorporated portions of the study area.

Prepared by:

Gary Calame, AIC Senior Planner

Recommended by:

Sylvia Ehrenthal, Director

Community and Economic Development

Approved by:

Jesús Armas, City Manager

Attachments:

Exhibit A. City Council Agenda Report for February 5, 2002

Exhibit B. City Council Minutes for February 5, 2002

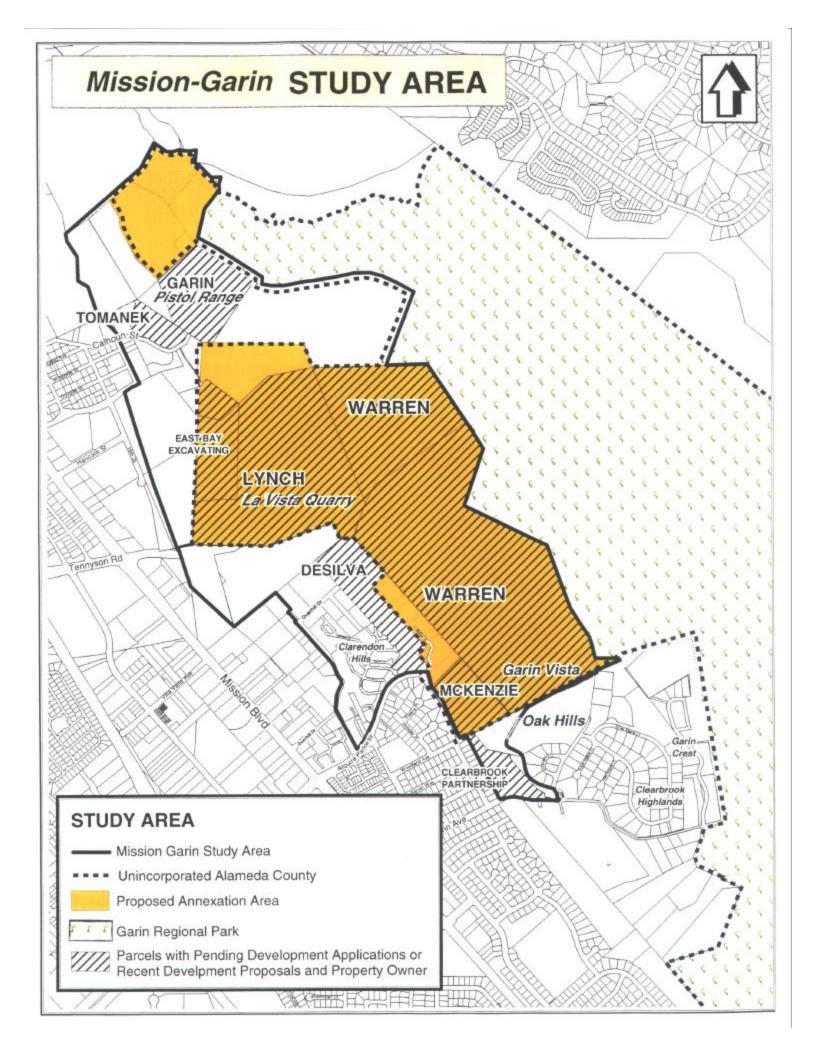
Exhibit C. Mitigation Manitoring and Banaring Program

Exhibit C. Mitigation Monitoring and Reporting Program

Draft Resolution(s)

Note: The Draft General Plan, Draft Environmental Impact Report, and Final Environmental Impact Report were previously distributed to the City Council. Please bring your copies to the meeting.

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DUE TO THE SIZE OF EXHIBIT A OF THIS REPORT, IT IS NOT AVAILABLE HERE FOR VIEWING. PLEASE REFER TO THE CITY COUNCIL AGENDA OF FEBRUARY 5 IF YOU WISH TO VIEW THE REFERENCED EXHIBIT ON LINE.

THIS AGENDA REPORT IS AVAILABLE FOR REVIEW AT THE MAIN LIBRARY, PLANNING DIVISION, AND IN THE CITY CLERK'S OFFICE.

HEARINGS

5. Draft City of Hayward General Plan (Exchicing the Housing Element) and Plant Environmental Impact Report

Staff report submitted by Senior Planner Calame, dated February 5, 2002, was filed.

Senior Planner Calame provided a brief report depicting the existing land use map with proposed changes to reflect the strategies. He pointed out the proposed zone changes on various parcels that reflect the current development and reported that the Valle Vista property owners have a proposed project that consists of a two hundred unit senior housing complex. He noted that the Planning Commission concurred with staff recommendations. Staff is requesting Council comments and direction necessary in preparing the various implementing documents and responded to questions.

Council Member Henson asked that Council delay any discussion relative to the proposed Area 6 in relation to development in the Clearbrook, Highland or Garin area until the end of this discussion so that he could abstain from the discussion. He is a resident in that area and would not be participating in that part of the discussion.

Council Member Jimenez asked about annexation procedures related to providing utilities. It was noted that any annexation proceedings would include access to utilities. Extensive consideration will be necessary for future development in this area as it is outside the city limits and would impact services.

Council Member Dowling inquired whether public meetings in that area would be conducted. He suggested that staff send copies of the agenda report to both the Twin Bridges and Fairway Park Homeowners Associations.

When Council Member Dowling asked how the Route 238 bypass right-of-way affected the Area 6 maps, it was noted that the Valle Vista property fronts on Mission Boulevard, but the rear area of this parcel is in Area 6. The Valle Vista Skating Rink site is impacted by this right-of-way and would need to be addressed in the future.

Council Member Henson asked if any renderings had been designed for the entire Mission Boulevard area that included traffic circulation, the auto dealerships, high-density and mixed uses. It was noted that there have been some sketches that were included in the Mission Garin Neighborhood Plan, as to what it might look like, but no renderings.

Council Member Henson also commented on the letter in the agenda report from the Alameda County Council on ChildCare asking that a Child Care Master Plan be included.

City Manager Armas responded, noting that staff direction was to incorporate general language addressing the issue rather than developing separate functional portions.



MINUTES OF SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING OF THE CITY OF HAYWARD City Council Chambers 777 B Street, Hayward, CA 94541 Tuesday, February 5, 2002, 8:00 p.m.

Council Member Hilson expressed his concerns related to the need for a strong and effective traffic solution plan. He commented on the traffic data that was provided and the traffic impacts from proposed developments. He commented that he has not received evidence that high-density development in a major traffic corridor neither reduces traffic nor eliminates automobiles. The concept that "if you're next to mass transit, you don't need a car," is a utopian viewpoint in a urban/suburban region. Traffic count will increase by 20,000 trips when 200 units are added, alluding to the proposed senior housing complex. He expressed serious concerns on the traffic volumes that were significantly lower in future years. He asked how the traffic data provided in the report correlate with potentials in increased jobs in the South of 92 area.

Senior Planner Calame noted that the traffic data does take into account the increased impacts such as projected employment, and other factors such as reliever routes from proposed roads. City Manager Armas responded that staff would review the traffic data and respond to his concerns on March 12th.

Council Member Hilson commented on pages 320 and 321 that address view corridors. He felt that the Plan was lessening the City's focus to preserve them. He preferred the language not include mitigating measures for certain impacts. He also commented on landslide hazards on page 323.

City Manager Armas referenced one strategy that includes the review of the City's grading ordinance and consider prohibiting construction on certain grades. He indicated that this would be addressed in the March discussion.

Council Member Rodriquez expressed her concerns related to the difficulty of evaluating as the area is in its present condition and in overall land use. She recognized the importance of evaluation it as it stands and inserting the proposed projects as is known. She stated that flexibility is essential, as well as having the necessary information including the traffic data, visual impacts, hill preservation and impact of new developments on the hills.

City Manager Armas indicated that this evaluation is one that studies what makes the most sense in the long term from a land use point of view. This is not a specific plan as in the case of the South of 92 area, but an integrated one.

Council Member Rodriquez emphasized that the public be informed on how the evaluation is completed, and in what context the general plan is developed.

City Manager Armas commented that staff would return with an approach to speak to the public participation component of the plan.

Council Member Jimenez noted that the traffic impact data is less than what was previously reported on the Mission-Jackson traffic corridor. It was his understanding that the traverse projection was 90,000 trips daily.

Council Member Dowling suggested a joint tour of the area.

Mayor Cooper opened the public hearing at 9:38 p.m.

Stephen Showers spoke on behalf of the Library Commission. He provided circulation of library materials data, and summarized the eight points that the Commission has requested be a part of the General Plan.

Guy Warren spoke on behalf of the Garin and Warren family, who own property in that area. The property is known as the South 40. It was noted that the quarry remained as limited medium density residential to provide flexibility to cluster future development with open space. The second is the Garin Pistol range, which is property designated as limited medium density residential as well. It will be necessary to build a water reservoir to provide water for potential development.

Jay Egy, Project Manager for daSilva Group, representing La Vista Quarry, commented on the area of 163 acres for potential development. The Group has requested a minor revision to allow an additional acre to the area.

Frank Goulart commented and referred to his letter included in the packet stating that the EIR is inadequate as it does not address historic preservation.

Bill Quirk commented and supported the Library Commission request to include the eight points previously submitted as part of the General Plan. He commended Council and staff, particularly Senior Planner Calame on their efforts to complete this General Plan.

Barbara Swarr commented favorably on the Library Commission's submittal and agreed with adding a historic preservation section to the General Plan.

There were no additional requests to speak after 10:00 p.m.

City Manager Armas indicated that staff needs further direction as to the area south of the skating rink. Staff would need to notify the affected property owners prior to the March 12th meeting and prepare legal documents to confirm the action. If action is not taken, a general plan amendment may need to be used to re-designate the zoning.

Council Member Hilson expressed strong concern with potential traffic impacts along Mission Boulevard. He would need to have additional information related to traffic mitigation before agreeing to the high-density designation in that area.



MINUTES OF SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING OF THE CITY OF HAYWARD City Council Chambers 777 B Street, Hayward, CA 94541 Tuesday, February 5, 2002, 8:00 p.m.

Mayor Cooper indicated that this week ACTA/TEA would be making a decision to appeal the judge's order to stop the construction of the Route 238 by-pass. She felt that Council should wait until that decision is made before making a land use decision on this parcel.

City Manager Armas stated that Council's action on this particular parcel is independent of the ACTA/TEA decision. He noted that the property owner could apply for the high-density designation and the project development would need to be considered on its own merits. Staff was recommending the zone change to avoid using one of the four opportunities the City has to consider a General Plan Amendment.

Discussion ensued relative to the construction of the by-pass and whether it was still in the City's policy. It was noted that the construction of the Route 238 By-pass is part of the City's policy.

Council Member Henson asked whether information was updated related to seismic matters and flood control maps. City Manager Armas reported that property owners could appeal to FEMA to remove their individual parcels from the flood plain zone, but it would not be multiple parcels. He remained convinced not to change the designation until after the ACTA/TEA decision. He felt this was the best way, rather than to set aside something that could be in conflict later.

Council Member Dowling stated that he would consider a form of high density residential at the Valle Vista site, but would remind the applicant that there are issues involved as lack of sidewalks and accessibility to transportation. Included with his mobility issues, he expressed his concerns on recreational impacts and replacement of a recreational facility.

Council Member Hilson reiterated his concerns and commented that he was not comfortable with changing the designation at this time. He felt that the normal application process should be utilized in this very complicated matter. He moved the motion as stated below.

Tony Varni interjected his concerns on the motion and asked for clarification. It was noted that the Valle Vista parcel would retain its zoning designation at this time.

Council Member Henson noted that as long as revisions were not being made in the Clearbrook, Highland or Garin area, there would be no conflict of interest and he could vote on the motion.

It was moved by Council Member Hilson, seconded by Council Member Rodriquez, and carried, to continue the public hearing to March 12, direct staff to prepare the implementing documents for adopting the General Plan and certifying the EIR with the addition to the motion to not include the rezoning of the Valle Vista property, by the following roll call vote:

AYES:

Council Members Hilson, Rodriquez, Dowling,

Henson

MAYOR Cooper

NOES:

Council Member Jimenez

ABSENT:

Council Member Ward

ABSTAINED: None

COUNCIL REPORTS

Council Member Hilson reported that the League of California Cities Board of Directors has authorized its Executive Director to pursue a ballot initiative for the November election that protects local government revenues constitutionally. In the past, the State has taken from local jurisdictions to balance its deficits. There will be a tremendous deficit in next year's budget and cities may be impacted as they were in the early nineties, when cities and special districts were required to pay into the education revenue augmentation fund. He commented on how that impacted the park district as well as this city. This initiative will keep the State from taking more from local governments.

ADJOURNMENT

Mayor	Cooper	adjourned a	at 10:23	p.m.
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APPROVED:

Roberta Cooper, Mayor, City of Hayward Chair, Redevelopment Agency

ATTEST:

Angelina Reyes, City Clerk, City of Hayward Secretary, Redevelopment Agency

EXHIBIT C

City of Hayward General Plan Update Mitigation Monitoring and Reporting Program January 2002

City of Hayward General Plan Update Mitigation Monitoring and Reporting Program January 2002

Potential Environmental Impact	Adopted Mitigation Measure	Implementation	Monitoring	Reporting
Land Use and Planning				
4.1: Adoption and implementation of the General Plan Update would by definition be consistent with adopted City plans, as it would establish the overall "constitution" for development in the City for the next 20 years.	4.1: None Required.	None Required	None Required	None Required
4.2: Implementation of the General Plan Update could result in increased density and changes in land use that could result in incompatibilities with existing land uses.	4.2: The City of Hayward should evaluate new land uses for site specific impacts to established land uses in the surrounding area, according to standard Conditional Use Permit, Variance, and Site Plan review procedures, to determine if, in the short or long term, the new land use is an enhancement to the area's land use patterns and provides offsetting benefits such as improved housing conditions, more economic activity, or better overall operations. The City should also consider whether the new use will be exposed to unacceptable impacts from preexisting uses that are not likely to phase out in the near future. Such	Planning Division Staff Planning Commission City Council (Through regular permit processes - staff review, public hearings, and conditions of approval)	Planning Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy

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	reviews should continue to occur as part of the public review process, affording residents, property owners and business operators an opportunity to present relevant information to decision-makers. Conditions of approval that serve to mitigate specific impacts should be required.			
4.3: Some public or private projects which might be implemented under the proposed General Plan Update could result in changes in existing land use and circulation patterns which could result in a physical division of existing neighborhoods or circulation patterns.	4.3: Individual projects that involve major changes to circulation patterns for pedestrians and vehicles, for example intersection realignment, a new street, or large scale public land uses should be subject to public review and input, with particular attention paid to the effect on the established community. In addition, project-level environmental review may be required. The City should include appropriate conditions of approval to address the identified impacts of individual projects.	Planning Division Staff Engineering Division Staff Planning Commission City Council (Through regular permit processes staff review, public hearings, and conditions of approval)	Planning Division Engineering Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy

Visual Quality			•	
5.1: Implementation of the General Plan Update could result in the obstruction of vistas and views from scenic roadways, major roadways, and public and private properties. Intensified development could create localized barriers to views of the hills, Bay, and other visually attractive areas.	5.1a: New development would continue to be subject to Site Plan Review, Conditional Use Permits, and Variances according to existing zoning procedures. Particular attention to new buildings and taller buildings with the potential to be highly noticeable from scenic roadways should be required to provide a high degree of design quality. Requests for conditional use permits and variances should be subject to redesign or conditions of approval to mitigate significant impacts. 5.1b: Public projects such as roadway widening, curb/gutter/sidewalk, drainage and utilities, and public buildings and open spaces should be planned, designed and reviewed for potential project-specific impacts to scenic resources, such as tree rows and views to the hills. Appropriate mitigation should be incorporated to reduce impacts, including possible redesign or relocation of projects to balance the overall community objectives.	Planning Division Staff Engineering Division Staff Planning Commission City Council (Through regular permit processes - staff review, public hearings, and conditions of approval)	Planning Division Engineering Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy

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5.2: Implementation of the General Plan Update could result in the alteration of visual characteristics and qualities of the City, due to new private development, public infrastructure development, rehabilitation of existing properties, and related activities. Temporary construction-period activity could present an image of disheveled property, for example due to the storage of materials and equipment. Development could also result in the removal of features considered scenic, such as trees or characteristics buildings.	5.2: Private and public projects should be subject to Mitigation Measure 5.1, with an emphasis on consistent development patterns, architecturally distinct structures, mature vegetation, and natural open space.	See Mitigation Measure 5.1	See Mitigation Measure 5.1	See Mitigation Measure 5.1
5.3: Private development and public projects undertaken in conformance with the General Plan could result in increased light and glare in the area, due to general development, signage, outdoor lighting, street lighting, reflective materials, and other sources.	5.3: Design review and other discretionary approval for public and private projects should include consideration of potential light and glare impacts, and should include shielding and cutoff features for outdoor lighting for neighboring land uses (particularly residences), design revisions, or other means of reducing impacts to the extent feasible.	Planning Division Staff Engineering Division Staff Planning Commission City Council (Through regular permit processes - staff review, public hearings, and conditions of approval)	Planning Division Engineering Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy

Transportation				
6.1: Traffic in the City is expected to increase as a result of continued development allowed by the General Plan, which could result in traffic levels on some roadway segments or at some intersections which exceed established level of service standards.	6.1: The Draft General Plan Update includes comprehensive policies and strategies that address regional and local traffic through a coordinated effort to provide roadway improvements, transit service, encourage bicycling and walking, carpooling, traffic calming, and land use strategies to reduce private auto use.	Planning Division Staff Engineering Division Staff Planning Commission City Council (Through regular permit processes - staff review, public hearings, and conditions of approval)	Planning Division Engineering Division (Through conditions of approval and inspections)	Final Approval / Inspection
Noise				
7.1: Construction within the City in accordance with the General Plan Land Use Map could result in a temporary increase in existing noise levels that would be noticeable and significant, and could exceed established noise level standards.	7.1: The City should require reasonable construction practices for public and private projects that could affect sensitive receptors, including limiting construction hours to avoid early morning and evening activity, muffling and properly maintaining construction equipment used at project sites, limiting the amount of time equipment is allowed to stand idle with the engine running, and shielding construction activity and equipment to the extent practicable.	Planning Division Staff Building Division Staff Engineering Division Staff Planning Commission City Council (Through regular permit processes - staff review, public hearings, and conditions of approval)	Planning Division Building Division Engineering Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy

7.2: General activity at residential, commercial, public and other facilities could result in an increase in the noise level exposure on sites throughout the City.	7.2: The City of Hayward should continue to review projects for potential impacts (including impacts from existing or planned neighbors) as part of its development review process, and should require mitigating measures such as setbacks, site plan revisions, operational constraints, buffering, and insulation.	Planning Division Staff Planning CommissionCity Council (Through regular permit processes - staff review, public hearings, and conditions of approval)	Planning Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy
7.3: Implementation of the proposed General Plan Update could lead to new development in areas where the ambient noise levels are or will be in excess of acceptable levels.	7.3: The City should require a project-specific review of proposed development projects that are located along a major roadway to determine if noise intrusion will be a significant issue for residents or employees, and should require appropriate measures such as setbacks, soundwalls, and structural measures to reduce the interior and exterior noise levels to an acceptable level. Noise-sensitive public projects, such as parks, also should be evaluated for noise impacts and developed accordingly, by locating less sensitive uses such as ballfields close to the noise source, and sensitive areas such as picnic grounds and children's play areas further from the noise source.	Planning Division Staff Planning Commission City Council (Through regular permit processes - staff review, public hearings, and conditions of approval)	Planning Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy

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7.4: Implementation of the proposed General Plan Update could result in increased activity along local and arterial streets, which could adversely affect existing residents.	7.4: Incremental traffic generated by new development should be used as part of a screening analysis for proposed projects, to determine if the project will contribute a significant amount of traffic noise to the existing area. In cases where the screening analysis is inconclusive, field measurements along the roadways near individual development projects should be conducted. If it is determined that the proposed development will result in a substantial increase in ambient noise levels along nearby roadways, it should be the responsibility of the City of Hayward and project applicants to identify and implement noise abatement measures which would effectively mitigate project-related noise effects on a site-specific basis. Such measures could include the installation of noise buffers (such as berms or sound walls) and increased setbacks for any sensitive receptors which may be proposed in the vicinity of such roadways.	Planning Division Staff Planning Commission City Council (Through regular permit processes - staff review, public hearings, and conditions of approval)	Planning Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy
7.5: Existing and future residential development near the train tracks through the City could be exposed to high noise levels, which can have a deleterious effect on property values, personal health, and enjoyment of the area.	7.5: See Mitigation Measure 7.3.	See Mitigation Measure 7.3.	See Mitigation Measure 7.3.	See Mitigation Measure 7.3.

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7.6: Railroads, trucks and buses may induce ground vibration in local areas within the City.	7.6: New development near railroad rights of way where vibration is suspected to be a problem should be evaluated for potential vibration impacts, and should be designed according to engineering recommendations, which may include excavation and compaction of soils, special foundation design, and structural design to reduce the vibration.	Planning Division Staff Engineering Division Staff Planning Commission City Council (Through regular permit processes - staff review, public hearings, and conditions of approval)	Planning Division Engineering Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy
Air Quality		T		·
8.1: Dust and diesel exhaust generated by equipment and vehicles operating at development sites during construction could result in a temporary adverse impact on local air quality.	8.1: Each project applicant shall be required to comply with all applicable City regulations and operating procedures prior to issuance of building or grading permits, including standard dust control measures. The effective implementation of the applicable dust control measures would reduce the temporary air quality impacts associated with construction dust.	Planning Division Staff Engineering Division Staff Planning Commission City Council (Through regular permit processes - staff review, public hearings, and conditions of approval)	Planning Division Engineering Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy

Geology, Soils and Seismicity				T
9.1: The ground surface along fault traces can be gradually offset (at a rate of one-half inch or so per year) due to creep along the fault, and can be suddenly offset (horizontally and/or vertically) up to several feet due to a major earthquake, which will damage roads and buildings and can break pipes or other underground utilities.	9.1: New development and major rehabilitation projects should continue to be required to comply with the regulations in force within the Alquist-Priolo (Earthquake Fault Hazard) Special Study Zone, which require that properties within the potential fault rupture hazard area be studied (usually by excavating a trench perpendicular to the suspected fault line), that the specific location of a fault trace be found or disproved for an individual property, and that habitable structures must be located a sufficient distance (usually 50 feet) from the trace to avoid direct impacts of surface fault rupture.	Planning Division Staff Engineering Division Staff Planning Commission City Council (Through regular permit processes staff review, public hearings, and conditions of approval)	Planning Division Engineering Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy
9.2: Strong and very strong ground shaking is expected to occur within the City during the 20-year implementation period in the event of a major earthquake on the regional fault system, including the Hayward Fault. Such ground shaking is expected to cause severe damage to (or collapse of) buildings or other structures, and may result in significant economic loss and/or endanger the health and welfare of persons within the City.	9.2: The effects of ground shaking on structures and other improvements which may be proposed under the General Plan should be reduced by earthquake-resistant design in accordance with the latest editions of the Uniform Building Code and the California Building Code. The potential effects of ground shaking on existing structures should be evaluated by engineering studies as part of major rehabilitation projects. Where studies indicate that buildings may be subject to significant damage during earthquakes, the structures can be retrofitted for seismic resistance.	Planning Division Staff Engineering Division Staff Planning Commission City Council (Through regular permit processes - staff review, public hearings, and conditions of approval)	Planning Division Engineering Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy

9.3: Seismically-induced ground failures, which are secondary seismic effects related to soil, bedrock and groundwater conditions, could occur near buildings or other facilities, resulting in injury to persons and significant economic loss due to structural damage as a result of differential settlement, liquefaction, landslides, slumping, and subsidence.	9.3: Geotechnical evaluations should be required for developments proposed in areas suspected of having high or very high potential for seismically-induced ground failure. Common measures for mitigating these hazards include over-excavation and recompaction of foundation soils, densification of site soils, or providing a mat or other type of reinforced foundation, and avoiding landslideprone areas and areas with other severe constraints.	Planning Division Staff Engineering Division Staff Planning Commission City Council (Through regular permit processes - staff review, public hearings, and conditions of approval)	Planning Division Engineering Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy
9.4: The City includes a broad variety of soils types, some of which are highly susceptible to expansion, which may shrink or swell as a result of seasonal or human-made soil moisture content changes, which can damage structures and other improvements and utilities.	9.4: The expansion potential for any clayey materials encountered should be determined on a project-specific basis per ASTM D-4829, Standard Test Method for the Expansion Index of Soils. Highly expansive soils under new buildings and utilities should be removed or amended, and compacted to provide a stable foundation. Surface water should be drained away from the building to minimize the potential for shrink-swell action. To ensure uniform characteristics in areas of low strength soils, and to obviate any potential for differential settlements, site preparation (consisting of over excavation and recompaction of the near-surface soils) may be required prior to placement of new fills, pavements, slabs, and structures, subject to review during grading.	Planning Division Staff Engineering Division Staff Planning Commission City Council (Through regular permit processes staff review, public hearings, and conditions of approval)	Planning Division Engineering Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy

9.5: Landsliding may occur in areas where slope gradients exceed 50 percent, or where grading associated with development will produce steep cut or fill slopes and/or undermine adjacent hillsides. Slopes between 30 percent gradient and 50 percent gradient underlain by cohesionless soils (sand) may experience differential settlement or downslope creep.	9.5: Because of the potential for landsliding or soil creep on steep slopes, a geologic evaluation by a registered geologist shall be prepared for any development planned within 200 feet of areas greater than 50 percent slope as shown on USGS topographic maps. Any structures situated on slopes greater than 30 percent gradient should incorporate geotechnical recommendations regarding foundations, retaining walls, and grading limitations derived from a site-specific geotechnical investigation.	Planning Division Staff Engineering Division Staff Planning Commission City Council (Through regular permit processes - staff review, public hearings, and conditions of approval)	Planning Division Engineering Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy
9.6: The development of relatively undisturbed portions of the City and the development of hillside urban areas would remove vegetation and disrupt the soil surface horizon in areas where soils may be susceptible to wind and water erosion. Sediment blown from exposed soils could damage other structures and vegetation, and would be a nuisance or hazard if it accumulates in adjacent areas and storm drainage systems. Removal of soils by wind or water can also undermine buildings, roads, and other development, resulting in significant economic loss.	9.6: During construction, efforts should be made to keep the disturbance of existing vegetation to a minimum. This can be accomplished primarily by keeping construction machinery off of established vegetation as much as possible, especially on the upwind side of the construction site. Specific access routes should be established at the planning phase of the projects, and limits of grading established prior to development should be strictly observed. In addition, mechanical measures, such as silt fences and straw bales, should be used to reduce soil movement, in accordance with Best Management Practices.	Planning Division Staff Engineering Division Staff Planning Commission City Council (Through regular permit processes - staff review, public hearings, and conditions of approval)	Planning Division Engineering Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy

Hydrology and Water Quality				
10.1: Development anticipated in the City in conformance with the General Plan could entail construction activity which could be expected to have short-term, temporary adverse effects on local water quality, such as from erosion and siltation, illicit disposal of debris, and wash water from construction vehicles and equipment.	10.1: Detailed plans for erosion and sediment control during and after construction should be prepared by development project proponents and approved by the City of Hayward prior to the issuance of a grading permit for any proposed development project. Such plans should include a schedule for the construction of erosion and sediment control structures which ensure that all erosion control will be in place by a specified time before construction begins. Grading should neither be initiated nor continued during the winter rain period between October 15th and April 15th unless approved by the Director of Public Works based on evidence of an effective erosion control plan. Grading and building permits should include requirements that Best Management Practices be adhered to.	Planning Division Staff Engineering Division Staff Planning Commission City Council (Through regular permit processes - staff review, public hearings, and conditions of approval)	Planning Division Engineering Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy
10.2: Development anticipated under the General Plan Update would be expected to result in localized modifications in existing drainage patterns, and an increase in the amount of stormwater runoff.	10.2: Major development projects should provide a storm drainage report including calculations of hydrology and hydraulics to determine adequacy of both privately- and publicly-managed systems to accept the increased runoff. Site-specific mitigation measures may be required	Planning Division Staff Engineering Division Staff Planning Commission City Council	Planning Division Engineering Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy

	to ungrade the City and / or County			1
	to upgrade the City and / or County flood control system, if necessary. Storm drainage calculations should be required for all storm drains and overland flows. Drainageshed maps should be included that show all upstream acreages and run-off coefficients for each tributary area. Overland flow paths and site release points should be clearly identified. The on-site drainage facilities, such as catch basins and storm drain pipes, should be designed to convey runoff from a 10-year frequency storm. Plans for development projects should identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the discharge of pollutants with storm water run-off.	(Through regular permit processes - staff review, public hearings, and conditions of approval)		
10.3: Existing development, vacant properties, and new development could be inundated by flood waters, presenting a hazard to persons and property.	10.3: The City should work in cooperation with other agencies such as FEMA and the Alameda County Flood Control District to prepare plans and develop projects that will alleviate potential flooding in the newly mapped flood plain areas.	Planning Division Staff Engineering Division Staff Planning Commission City Council	Planning Division Engineering Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy

	The City should require all new development in the areas presently mapped as potentially subject to flooding in the 100-year event to provide evidence of sufficient flood control protection and compliance with applicable regulations of the Alameda County Flood Control District and FEMA.	(Through regular permit processes - staff review, public hearings, and conditions of approval)		
Biological Resources 11.1: Public and private development activities in the City could result in the reduction of habitat and direct removal of special status plant and/or animal species, including mammals, birds, amphibians, fish, insects and invertebrates, which have previously been unidentified at land and/or water areas.	11.1: Development of undisturbed portions of public and private project sites should be subject to sensitivity analyses, field surveys and mitigation (as required), conducted by qualified professionals according to established protocols in consultation with the appropriate regulatory agencies. Particular areas to evaluate include waterways, open grasslands, relatively undisturbed urban land, and vegetative cover along waterways.	Planning Division Staff, in consultation with other regulatory agencies Engineering Division Staff Planning Commission City Council (Through regular permit processes staff review, public hearings, and conditions of approval)	Planning Division California Department of Fish and Game U.S. Fish and Wildlife Service Engineering Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy
11.2: Some portions of the City which may be developed in conformance with the General Plan land use map may be adjacent to creeks which provide riparian habitat values. Development of such sites	11.2: Where development is proposed at sites within the City adjacent to natural channel creeks, the potential effects of the proposed development on riparian habitat should be evaluated as part of the use	Planning Division Staff, in consultation with other regulatory agencies	Planning Division California Department of Fish and Game	Final Inspection / Certificate of Occupancy

may have the potential to damage sensitive riparian habitat areas.	permit, building permit, or other approval process to determine the potential site-specific impacts associated with such development. All such development should be required to comply with the City's setback provisions, and to enter into a Streambed Alteration Agreement with the California Department of Fish and Game (if required).	Engineering Division Staff Planning Commission City Council (Through regular permit processes - staff review, public hearings, and conditions of approval)	U.S. Fish and Wildlife Service Engineering Division (Through conditions of approval and inspections)	
11.3: Public and private development projects as a result of continued development in the City could have an adverse effect on wetland areas, as noted above for habitat and riparian areas.	11.3: See Mitigation Measures 11.1 and 11.2, above.	See Mitigation Measures 11.1 and 11.2, above.	See Mitigation Measures 11.1 and 11.2, above.	See Mitigation Measures 11.1 and 11.2, above.
Public Services and Utilities				
as part of the City's continued growth would result in an increased demand for school facilities within the City. The General Plan Update could have various community-wide effects that could have an impact on school sites, such as increased traffic, noise, and general hazards described elsewhere in this EIR. The increase in demand would be met by the responsible school district through the construction of new school facilities	12.1: School districts should plan and construct new facilities based on long-range planning and growth projections, and according to State land use and environmental law using statutorily established funding mechanisms. The District should pursue all available means of funding for expansion of existing schools and development of new schools to meet the community's needs, according to adopted Master Plans and Facilities Studies.	Planning Division Staff, in consultation with other agencies Planning Commission City Council (Through regular permit processes - staff review,	Planning Division Hayward Unified School District New Haven Unified School District (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy

(most likely by adding structures on existing school grounds) which, depending on the characteristics of each proposed facility and site, could result in adverse physical effects on the environment.		public hearings, and conditions of approval)		
12.2: New development anticipated as part of the City's continued growth would result in an increased demand for parks, recreational facilities and open space in the City. This increase in demand could be met through the construction of new parks and recreational facilities (or the expansion of existing recreational facilities) which, depending on the characteristics of each proposed facility and site, could result in adverse physical effects on the environment.	12.2: Lead Agencies, including HARD and EBRPD, should conduct appropriate planning and environmental studies for the acquisition, construction and operation of new parks and recreational facilities (or the expansion of existing recreational facilities) to meet an increased demand for such facilities, consistent with State law. Large development projects should be coordinated with HARD to determine if it is feasible to incorporate park and recreation facilities. Private land dedications may be credited against the standard impact fees, public park and recreation projects may be jointly funded by the City and HARD, or facilities may be provided in other ways that meet the trail, parkland, and recreation facility needs of the City.	Planning Division Staff, in consultation with other agencies Planning Commission City Council (Through regular permit processes - staff review, public hearings, and conditions of approval)	Planning Division Hayward Area Recreation and Park District East Bay Regional Park District (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy

Hazards and Hazardous Materials				
13.1: As new or more intensive residential uses are introduced near existing commercial activities (which may be non-conforming but are capable of continuing operation for some time as pre-existing uses), then additional residents could be exposed to hazardous materials that are in storage, use, or disposal.	13.1: The City should review sites listed pursuant to Government Code section 65962.5 for proper use permits and other regulatory compliance, and undertake code enforcement as necessary to ensure the safety of existing and new development. Proposed land uses that pose potential threats to the health and safety of neighboring uses should be scrutinized as part of the Conditional Use Permit review procedure, and should be conditioned to ensure full compliance with the law. New residential and similar development, regardless of General Plan land use designations, should be scrutinized for possible exposure to hazardous materials, and should be sited and designed accordingly.	Planning Division Staff, in consultation with other regulatory agencies Engineering Division Staff Hazardous Materials Division Staff Planning Commission City Council (Through regular permit processes - staff review, public hearings, and conditions of approval)	Planning Division California Department of Toxic Substances Control Engineering Division Hazardous Materials Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy
Cultural Resources				
14.1: Development according to the proposed General Plan Update could result in the alteration of historical resources which have not yet been surveyed or formally protected.	14.1: The City should review the HP ordinance including the evaluation criteria, and conduct the necessary surveys, recording, and preservation of historic resources, and implement development review procedures according to the policies and strategies outlined in the draft General Plan Update.	Planning Division Staff, in consultation with other regulatory agencies Planning Commission City Council	Planning Division California Office of Historic Preservation (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy

		(Through regular permit processes - staff review, public hearings, and conditions of approval)		
14.2: During construction that could occur as a result of the General Plan Update, archaeological resources may be uncovered and damaged if not properly recovered or preserved.	14.2: In the event that any archaeological resources are uncovered during future construction activity associated with the implementation of the General Plan Update, there should be no further excavation or disturbance of the site or any nearby area until the find has been evaluated by a qualified archaeologist, and appropriate site-specific mitigation has been identified to protect, preserve, remove or restore the artifacts uncovered.	Planning Division Staff, in consultation with other regulatory agencies Engineering Division Staff Planning Commission City Council (Through regular permit processes - staff review, public hearings, and conditions of approval)	Planning Division California Office of Historic Preservation Engineering Division (Through conditions of approval and inspections)	Final Inspection / Certificate of Occupancy
14.3: During excavation for public and private projects, it is possible that archaeological human remains may be uncovered.	14.3: In the event that any human remains are uncovered during future construction activity, there should be no further excavation or disturbance of the site or any nearby area until after the Alameda County Coroner has been informed and has determined that no investigation of the cause of death is required or such	Planning Division Staff, in consultation with other regulatory agencies Engineering Division Staff	Planning Division California Office of Historic Preservation California Native American Heritage Commission	Final Inspection / Certificate of Occupancy

Population, Housing and Employmen	investigation has occurred and appropriate actions have been taken, and (if the remains are determined to be of Native American origin) the descendants from the deceased Native American(s) have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.	Planning Commission City Council (Through regular permit processes - staff review, public hearings, and conditions of approval)	Alameda County Coroner Engineering Division (Through conditions of approval and inspections)	
15.1: Implementation of the proposed General Plan Update is expected to result in growth in residential, commercial and industrial areas.	15.1: None Required. The proposed General Plan Update will not result in substantial changes to the growth projections contained in the prior General Plan or Projections 2002.	None Required	None Required	None Required
15.2: Development or reuse of property that is presently occupied with housing or commercial / industrial uses could displace existing residents or employment / jobs.	15.2: None Required. Infill development would typically occur on vacant and underutilized land, and would therefore result in an overall net increase in the number of housing units and employment and generally improve the quality of housing and employment, since infill would most likely occur where the economic use of existing development has been exceeded and dilapidation may have begun.	None Required	None Required	None Required

HAYWARD CITY	COUNCIL
RESOLUTION NO) .

3/9/02

Introduced by Council Member _____

RESOLUTION APPROVING MISSION-GARIN ANNEXATION STUDY

WHEREAS, the City Council reviewed and commented on the Draft General Plan and related environmental documents at its meeting on February 5, 2002, and at that time directed staff to prepare a detailed approach for a review and analysis of potential annexations and proposed changes in the General Plan Land Use Map in the Mission-Garin Area, as identified in the attached map; and

WHEREAS, in view of recent development activity in the Mission-Garin Area and the requirements for submittal of annexation applications to the Alameda County Local Agency Formation Commission, it is appropriate to undertake a more comprehensive analysis of such areas. Such separate analysis will allow for greater coordination of annexation applications, the efficient provision of utilities and services, consideration of circulation patterns and access issues and assessment of issues related to the types of development appropriate in hillside areas, such as geotechnical and other site restraints; and

WHEREAS, staff presented a Proposed Mission-Garin Annexation Study to the City Council for its consideration at its meeting on March 12, 2002, in conjunction with the public hearing on the Draft General Plan and related environmental documents.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Mission-Garin Annexation Study is approved and staff is authorized and directed to undertake the study as proposed.

IN COUNCIL, HAYWARD, CALIFORNIA ______, 2002
ADOPTED BY THE FOLLOWING VOTE:

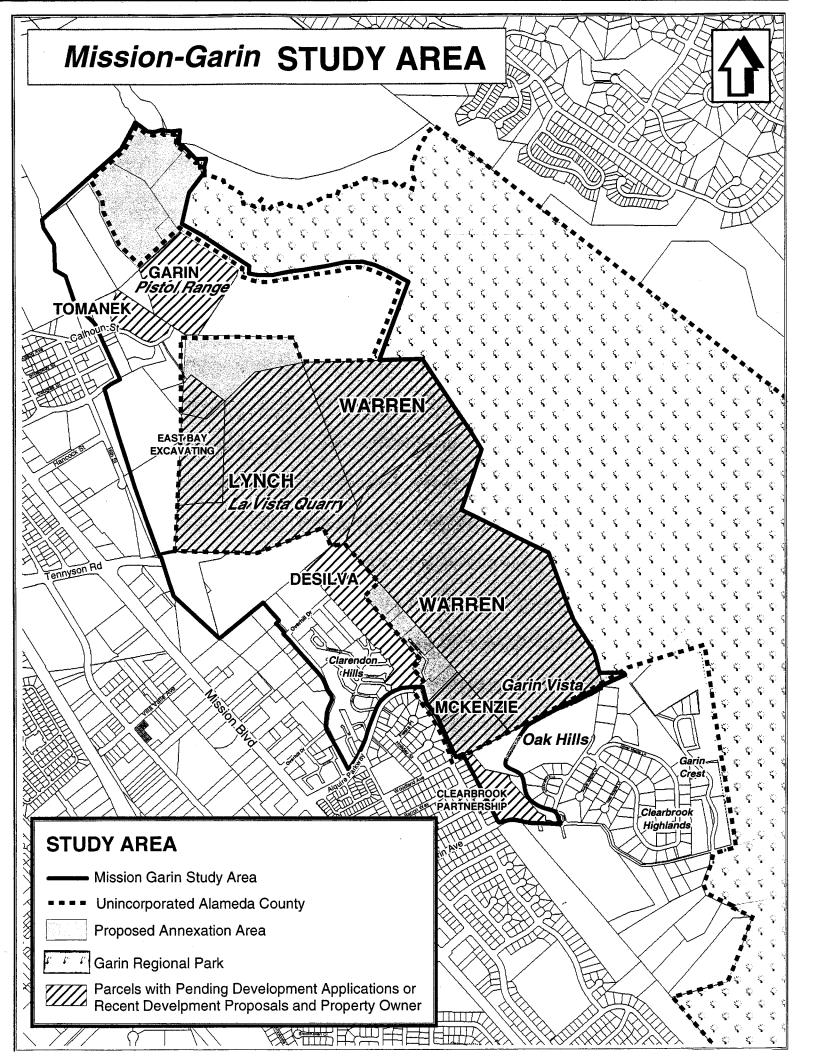
AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTES	T:
	City Clerk of the City of Hayward
APPROVED AS TO FORM:	
City Attorney of the City of Hayward	



HAYWARD CITY COUNCIL

HAYWARD CITY COUNCIL	Moloso
RESOLUTION NO.	3/10
Introduced by Council Member	

RESOLUTION CERTIFYING PROGRAM ENVIRONMENTAL IMPACT REPORT AND ADOPTING MITIGATION MONITORING AND REPORTING PROGRAM, STATEMENT OF OVERRIDING CONSIDERATIONS AND GENERAL **PLAN**

WHEREAS, on September 5, 2000, the City Council approved a year-long process for conducting a comprehensive revision of the General Plan; and

WHEREAS, a draft comprehensive revision of the General Plan ("Draft General Plan") has been prepared and a series of joint study sessions and public workshops has been conducted to discuss and develop policies and strategies to deal with issues raised in the Draft General Plan; and

WHEREAS, City staff and consultants prepared a Draft Program Environmental Impact Report ("DEIR") to analyze the potential environmental impacts of the Draft General Plan, which was made available for public comments, together with the Draft General Plan, during the period from November 20, 2001, to January 4, 2002, pursuant to the requirements of the California Environmental Quality Act ("CEQA"); and

WHEREAS, a work session was held with the City Council on December 11, 2001, and the Planning Commission conducted a public hearing on December 13, 2001, to receive comments on the Draft General Plan and the DEIR; and

WHEREAS, written responses to comments on the DEIR were prepared in the form of a separate document entitled the "Final Environmental Impact Report" ("FEIR"), which together with the DEIR comprises the Program EIR for the Draft General Plan; and

WHEREAS, the Planning Commission held a public hearing on January 24, 2002, during which it considered the FEIR and the Draft General Plan and has recommended that the City Council certify the FEIR and adopt a Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program. The Planning Commission further recommended adoption of the Draft General Plan, excluding certain proposed changes to the land use designations, for which the Planning Commission recommended a more comprehensive analysis; and

WHEREAS, the City Council held a public hearing on February 5, 2002, during which it considered the reports and documents presented by City staff relative to the Draft General Plan and the FEIR, the Planning Commission's recommendation, and the written and oral comments, and directed staff to prepare a more detailed review and analysis of certain proposed changes to the land use designations; and

WHEREAS, on March 12, 2002, the City Council held a public hearing to consider the certification of the FEIR and adoption of a Statement of Overriding Considerations, the Mitigation Monitoring and Reporting Program, and the Draft General Plan and to receive comments of the public.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the following findings and determinations, hereby certifies the FEIR and adopts the Mitigation Monitoring and Reporting Program and the Draft General Plan, as modified herein:

SECTION I. CERTIFICATION OF FEIR AND ADOPTION OF MITIGATION MONITORING REPORTING PROGRAM. The City Council has reviewed the documents comprising the Draft and Final Program EIR for the Draft General Plan and hereby finds that such FEIR reflects the independent judgment of the City Council and its staff and is an adequate and extensive assessment of the environmental impacts of the Draft General Plan. Accordingly, the City Council hereby certifies such FEIR as having been prepared in compliance with the requirements of the California Environmental Quality Act ("CEQA") and adopts the Mitigation and Monitoring Reporting Program.

SECTION II. <u>CONSIDERATION OF PROJECT ALTERNATIVES</u>. The FEIR evaluates the potential impacts of the Draft General Plan and one alternative: the No Project Alternative. The principal elements of the No Project Alternative is summarized below.

No Project Alternative. This alternative assumes that the Draft General Plan is not approved, leaving intact the existing General Plan. Existing General Plan policies, strategies and land use designations would continue. The Draft General Plan does not substantially alter the existing land use plan or polices and strategies, except to remove a few small areas from development, increase densities in a few small areas, reduce the permitted densities in a few other areas and enhance the environmental data and policies used to guide future development. Therefore, the effects of the Draft General Plan are essentially the same as the No Project Alternative, except that the No Project Alternative would not provide the environmental benefits of the Draft General Plan. Therefore, the No Project Alternative would be less environmentally responsive than the Draft General Plan.

SECTION III. <u>MITIGATION MEASURES</u>. The City Council also finds that the proposed mitigations set forth in the FEIR and incorporated into the Draft General Plan and the accompanying Mitigation Monitoring and Reporting Program will reduce all of the environmental impacts of the implementation of the Draft General Plan to an insignificant level, except for certain impacts relating to regional traffic growth and roadway congestion, construction noise, and seismic ground shaking.

SECTION IV. <u>POTENTIALLY UNAVOIDABLE SIGNIFICANT ENVIRONMENTAL IMPACTS</u>. The FEIR indicates that implementation of some of the elements of the Draft General Plan may have some potentially unavoidable significant environmental impacts. Because of the programmic nature of the Draft General Plan and the FEIR it cannot be determined with certainty at this time that the impacts can be mitigated in each case.

- A. Regional Traffic Growth and Roadway Congestion. Regional traffic growth and roadway congestion is likely to remain significant after the implementation of reasonably foreseeable mitigation measures. Overall growth trends in the region and the limited land area and capital resources for major changes in development patterns in the City are likely to result in on-going traffic congestion on several roadways in the City and the vicinity.
- B. <u>Construction Noise</u>. Construction noise may be unavoidable as a short-term effect of implementation of the Draft General Plan that could interfere with the comfort or convenience of nearby sensitivity receptors.
- C. <u>Seismic Ground Shaking</u>. Seismic ground shaking is an unavoidable impact in the San Francisco Bay Area. Projects will be required to avoid surface fault rupture hazards and comply with applicable building codes. However, the risk of damage and injury during a large seismic event is unavoidable.
- SECTION V. STATEMENT OF OVERRIDING CONSIDERATIONS. As previously stated the Draft General Plan is environmentally superior to the No Project Alternative. Implementation of the No Project Alternative could result in a worsening of traffic conditions in the City; higher noise exposure; and risks of property damage and injury from seismic ground shaking. Adoption and implementation of the Draft General Plan will bring substantial benefits to the City. The Draft General Plan does not substantially increase said impacts compared to existing trends and will provide more coordinated guidance in addressing the impacts of new development and redevelopment within the urban area. In addition, the implementation of the Draft General Plan policies and strategies could alleviate some environmental effects that are not otherwise addressed in routine land use planning or through the existing General Plan elements as they have evolved over the past twenty-five years. Therefore, the City Council finds and determines that the adoption of the Draft General Plan

and the potentially unavoidable environmental impacts which may result from its implementation is outweighed by the other benefits which the Draft General Plan envisions.

SECTION VI. GENERAL PLAN.

- A. <u>Purpose</u>. The General Plan is regarded as the constitution for local development. The General Plan serves to identify the community's environmental, social and economic goals and to state the City's policies on the maintenance and improvement of existing development and the location and characteristics of future development. The General Plan is a policy guide for making decisions concerning the development of the community according to desired goals; it establishes long-range objectives and encompasses all geographic units of the community. The last comprehensive update of the General Plan occurred in 1986. The adoption of the Draft General Plan shall rescind and replace the City's current General Plan in its entirety, except as specified below.
- B. The Housing Element. The Housing Element portion (Chapter 5) of the General Plan was prepared and forwarded to the California State Department of Housing and Community Development ("HCD") for review as required by state law. A separate hearing will be scheduled to consider the Housing Element and HCD's comments and recommendations. The current Housing Element will remain in full force and effect until such time as the updated Housing Element is formally adopted.

SECTION VII. LAND USE MAP CHANGES TO THE EXISTING GENERAL PLAN.

The changes to the existing General Plan Land Use Maps hereby implemented are set forth in the maps attached hereto as Exhibit 1. Specifically, those Land Use Maps adopted by virtue of this Resolution are Area 1 - Bidwell Elementary School; Area 2 - Mission Hills of Hayward Golf Course; Area 3 - Blue Rock Country Club, modified to reflect the location of the proposed school/ park site; Area 4 - Winton Avenue East of Amador Street; Area 5 - Mission Boulevard at Lafayette Avenue: Area 7 - Mission Boulevard Between Berry Avenue and Sycamore/Highland; and Area 8 - Route 92/Breakwater Avenue West of Whitesell Street. The land use designation changes proposed for Area 6 (exclusive of the Clearbrook Highlands and Garin Crest subdivisions) and the Valle Vista Skating Center property are not being adopted. Any zoning changes that may become necessary because of changes in the land use designations will be processed at a later date.

SECTION VIII. CLEARBROOK HIGHLANDS AND GARIN CREST.

The Draft General Plan proposes to change the land use designation for Clearbrook Highlands and Garin Crest from Limited Medium Density Residential to Suburban Density

ADOPTED BY THE FOLLOWING VOTE: AYES: NOES: ABSTAIN:	IN COUNCIL HAY	WARD, CALIFORNIA, 2002
AYES: NOES: ABSTAIN: ABSENT: ATTEST:	·	
NOES: ABSTAIN: ABSENT: ATTEST:	ADOPTED BY THE	FOLLOWING VOIE:
ABSTAIN: ABSENT: ATTEST:	AYES:	
ABSENT: ATTEST:	NOES:	
ATTEST:	ABSTAIN:	
	ABSENT:	
City Clerk of the City of Hayward		
		City Clerk of the City of Hayward

City Attorney of the City of Hayward

Residential, to more accurately reflect the density of existing development, as set forth in

Exhibit 2. This proposed change in land use designation is hereby adopted.

